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In re Application of	:	AUG 28 2006
Habib Zaghouani	:	
Application No. 09/623,728	:	OFFICE OF PETITIONS
Filed: January 22, 2001	:	ON PETITION
Attorney Docket Number:	:	
8114-005-WO-CIP.2-US	:	

This is a decision on the Petition Under 37 CFR 1.8(b) for Withdrawal of Improper Abandonment, filed November 4, 2005. The petition is properly treated under 37 CFR 1.181 (supported by evidence of compliance with 37 CFR 1.8(b)). The delay in treating this petition is regretted.

The petition is **granted.**

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed January 2, 2004. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned April 3, 2005. A Notice of Abandonment was mailed on July 13, 2005.

Applicant's Assertion

Applicant responds with the instant petition wherein Applicant asserts that a timely reply was filed on July 2, 2005. In support of this assertion, Applicant files a copy of the Reply which includes an amendment and a request for three (3) month extension of time and fee. The Reply includes a certificate of transmission under 37 CFR 1.8 dated July 2, 2005, executed by Petitioner.

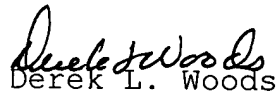
In addition, a review of Office records reveal that the Reply was received in this Office on July 6, 2005, including the fee for a three (3) month extension of time.

In view of the foregoing, the holding of abandonment is hereby withdrawn.

No petition fee has been charged for the petition and none is due.

The application file is being referred to Technology Center Art Unit 1644 for processing of the Reply in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3232.

Handwritten signature of Derek L. Woods in cursive script.

Derek L. Woods
Attorney
Office of Petitions